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December 12, 2024

Submitted via ECF

Honorable Jesse Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1105
New York, NY 10007

Re: Carrodine et al. v. Flatiron Media LLC et al., No. 1:22-cv-09660-JMF

Dear Judge Furman:

Having made apparent progress on various discovery issues involving third-parties and large volumes of data, Plaintiffs' counsel and the HasTraffic Defendants' counsel respectfully request a stay of 30 days on any motion practice between the Plaintiffs and the HasTraffic Defendants. This proposed stay on motion practice would include responding to the HasTraffic Defendants' pending Motion to Dismiss for Lack of Personal Jurisdiction (or replying in further support thereof), as well as motion practice relating to the ongoing discovery issues- some of which were addressed with the Court during the September 2024 conference. (ECF No. 124) The reason for this request, as detailed below, is that Plaintiffs' counsel and the HasTraffic Defendants' counsel have made meaningful progress toward potentially obtaining the critical text message records in this case, which are expected to help facilitate a resolution of this case.

As the court is aware, this case concerns the alleged sending of text messages in violation of the Telephone Consumer Protection Act to persons with phone numbers registered with the National Do Not Call Registry. HasTraffic has indicated that any records of these text messages would be possessed by third-parties, many of which are headquartered overseas. After extensive discussions, the parties believe that the HasTraffic Defendants may be able to facilitate transfer of the text message records from these third parties.

Furthermore, we are optimistic that obtaining the outstanding text message records could lead to a global resolution of the case. As such, the HasTraffic Defendants and Plaintiff respectfully request a thirty (30) day stay of any motion practice between the HasTraffic Defendants and Plaintiffs. This stay will allow the parties to work efficiently through their discussions, avoid expending resources on motion practice, and to work towards a resolution of the case. This stay would include a thirty (30) day stay of briefing on Plaintiff's Opposition to the pending Motion to Dismiss for Lack of Personal Jurisdiction.

The stay would be in furtherance of the goal of Rule 1, which dictates cases be litigated in a cost-effective and efficient manner. Plaintiffs' counsel believes the outstanding records may be relevant to HasTraffic Defendants pending Motion to Dismiss, which concerns HasTraffic's involvement in the sending of the texts at issue. The stay may also negate the need for discovery motions Plaintiffs are prepared to file, including motions to compel production, a motion for a forensic audit and/or a motion to compel a third-party data-retrieval operation. It also could avoid the need to add and/or subpoena additional overseas entities, involved in the marketing operations at issue.

We therefore respectfully request a thirty (30) day stay on any motion practice as to the HasTraffic Defendants and Plaintiff. We also request that the Court continue the deadline for Plaintiffs' opposition to HasTraffic Defendants' pending motion to dismiss to Monday, January 13, 2025. Plaintiff will continue to pursue discovery during this time from Flatiron Media. In addition, Plaintiff would provide a status update to the Court on or before the January 10, 2024, as to the progress of the document retrieval/production efforts, the prospects of mediation and whether the briefing schedule should be reinstated.

Counsel appreciates the Court's time and attention in this matter.

Respectfully Submitted,

/s/ Christopher E. Roberts

Christopher E. Roberts, Esq. (pro hac vice)

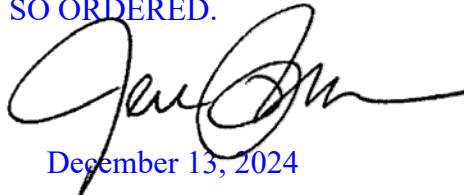
Jacob U. Ginsburg, Esq. (pro hac vice)

Counsel for Plaintiffs Jason Carrodine, Kimberly Hudson and Eli Reisman

cc: all counsel of record (via email and ECF)

Application GRANTED as follows: Plaintiffs shall file any opposition to the motion to dismiss by **January 13, 2025**, and Defendants shall file any reply by **January 21, 2025**. All other dates and deadlines, including the discovery deadline, remain in effect unless and until the Court orders otherwise. The Clerk of Court is directed to terminate ECF No. 145.

SO ORDERED.



December 13, 2024